

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 20, 2023**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Fernando Medina

Case Number: 0980 2:17CR00134-TOR-2

Address of Offender: [REDACTED], Benton City, Washington 99320

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: July 19, 2018

Original Offense: Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846

Original Sentence: Prison - 51 months Type of Supervision: Supervised Release
TSR - 60

Revocation Sentence: Prison - 9 months
(04/13/2022) TSR - 50 months

Asst. U.S. Attorney: Caitlin A. Baunsgard Date Supervision Commenced: December 9, 2022

Defense Attorney: Nick Mirr Date Supervision Expires: February 8, 2027

PETITIONING THE COURT

To incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on 3/14 and 6/29/2023.

On December 12, 2022, supervised release conditions were reviewed and signed by Mr. Medina, acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following condition of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition #2: You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law.

Supporting Evidence: Mr. Medina is considered to be in violation of his supervised release by unlawfully possessing controlled substances, cocaine and methamphetamine, on or about September 14, 2023.

On September 14, 2023, at approximately 9 a.m., Benton County Sheriff's Office Deputy Childers was assisting the United States Marshals Service task force with a warrant at 107002 West McCreadie Road, Prosser, in Benton County, Washington. They had

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information Mr. Medina was staying at the location. Deputy Childers previously obtained information Mr. Medina was associated with two vehicles in the Benton City, Washington, area. One was a beige Volkswagen Jetta with possible Washington license plate CAL1153, and the other was a white Mitsubishi Galant, with possible Washington license plate AMH8372.

When the task force officers arrived at the McCreadie address, Deputy Childers observed in the back of the property a silver Mitsubishi Galant, Washington license plate ABH3810, and a beige Volkswagen Jetta Washington license plate CAL1153. Deputy Childers believed he could have gotten the wrong Mitsubishi plate in the beginning, but it still matched the description. After knocking on the door to the house, as well as the door to a separated garage, deputies with the U.S. Marshals Service said they could hear movement inside the garage.

A red vehicle pulled up and it was Mr. Medina's mother and a young female who said she could help translate (Spanish), if needed. Mr. Medina's mother stated Mr. Medina was there, in the garage. She was able to unlock the door to the garage. She said she was the main renter of the location and granted officers permission to enter and clear the garage. She stated Mr. Medina had only been there a day or two.

As the door opened, a female came out and was not cooperative as she stood in the way of the doorway. She was detained and identified as AP. She was asked if Mr. Medina was inside; she did not say anything, staring blankly. In Deputy Childers' experience, this is a sign/gesture she knew something and did not want to cooperate, and it was a high probability Mr. Medina was there. Announcements were made of the officers' presence at the open door; no one answered. The officers made entry and Mr. Medina was found hiding in the bags of a bagging lawnmower. He was placed under arrest for his felony warrant out of the Department of Corrections (DOC), for escape from community custody.

After a search incident to arrest, a small tube was found in Mr. Medina's pocket. Deputy Childers asked Mr. Medina what it was and he said it was "coke" (commonly known as cocaine). Being that it was in a different container and him saying it, Mr. Medina knew he was in possession of the substance.

Pictures were taken of the tube found and Deputy Childers unraveled the paper inside to find a white powder substance. Based upon his training and experience, the white powder substance resembled that of cocaine.

Deputy Childers conducted an interview with AP for information. AP said she did not mess with any of Mr. Medina's dealings and she "does her thing and he does his." She said there was no other substance inside the garage, just marijuana.

While the garage door was open and in the process of placing Mr. Medina into custody, the same white powder substance was on a piece of dark granite. The white powder substance collected from the granite was weighed and the total packaged weight was 15.3 grams. A TruNarc handheld substance analyzer was used and showed a positive result for methamphetamine. The substance in the tube appeared to be the same, but the analyzer could not read it through the paper. A NIK test was used for the substance in the paper and came back as presumptive positive for methamphetamine and cocaine. The total package weight for this item found on Fernando Medina was 22 grams.

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Mr. Medina was arrested for his warrants. Deputy Bowen assisted by transporting Mr. Medina to the federal building in Richland, Washington, to be seen in Court. After finding he was booked into the Benton County Jail.

On September 15, 2023, Mr. Medina was arraigned on the charge of possession of a controlled substance in Benton County District Court, case number 3A0118516.

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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Medina is considered to be in violation of his supervised release by being arrested and charged with possession of a controlled substance, on or about September 14, 2023, Benton County District Court, case number 3A0118516.

Please refer to the supporting evidence in violation #6 for details.

The U.S. Probation Office respectfully recommends the Court incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 19, 2023

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other : ***The Revocation of Supervised Release hearing scheduled for 10/5/2023 remains set.***



Thomas O. Rice
United States District Judge

September 19, 2023

Date